

Commonwealth of Massachusetts
HAMPDEN SUPERIOR COURT

Case Summary
Civil Docket

03/31/2004
12:45 PM

FILED
CLERK'S OFFICE

HDCV2004-00144
Plasse v Tyco Electronics

04/05/2004 A 10:20

File Date	02/06/2004	Status	Disposed: transfered to other court (dtrans)
Status Date	03/31/2004	Session	A - Civil A - CtRm 6
Origin	1	Case Type	B99 - Misc tort
Lead Case		Track	F

U.S. DISTRICT COURT
DISTRICT OF MASS

04 CV 30056-MIN

Service	05/06/2004	Answer	07/05/2004	Rule12/19/20	07/05/2004
Rule 15	07/05/2004	Discovery	12/02/2004	Rule 56	01/01/2005
Final PTC	01/31/2005	Disposition	04/01/2005	Jury Trial	Yes

PARTIES

Plaintiff
James M Plasse
Active 02/06/2004

Private Counsel 069660
Maurice M Cahillane
Egan Flanagan & Cohen
67 Market Street
PO Box 9035
Springfield, MA 01102-9035
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Fax: 413-737-0121
Active 02/06/2004 Notify

Defendant
Tyco Electronics
Service pending 02/06/2004

Private Counsel 632544
Jeffrey D Clements
Clements & Clements, LLP
50 Federal Street
Boston, MA 02110
Phone: 617-451-1803
Fax:
Active 03/31/2004 Notify


ENTRIES

Date	Paper	Text
02/06/2004	1.0	Complaint & civil action cover sheet filed
02/06/2004		Origin 1, Type B99, Track F.
03/23/2004		Pleading, Tyco Electronics Corporation's answer to complaint certified by U.S. District Court and Notice of Removal, returned to Jeffrey D. Clements Esq.: will send in certified copy of notice of removal to U.S. District Court.
03/31/2004	2.0	Def't's. notice of removal to U.S. District Court.
03/31/2004		Case REMOVED this date to US District Court of Massachusetts

EVENTS

A true copy.

Attests


DEPUTY Assistant Clerk

CIVIL ACTION COVER SHEET

Trial Court of Massachusetts
SUPERIOR COURT DEPARTMENT
County: _____

Doc# 04 144
177

PLAINTIFF(S)

James M. Plasse

DEFENDANT(S)

Tyco Electronics

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE

Maurice M. Cahillane; Egan, Flanagan & Cohen
67 Market St., Springfield, MA 01103
Board of Bar Overseers number: 069660

ATTORNEY (if known)

Place an x in one box only:

Origin code and track designation

- [x] 1. F01 Original Complaint
[] 2. F02 Removal to Sup.Ct. c. 231, s. 104 (Before trial) (F)
[] 3. F03 Retransfer to Sup.Ct. C.231, s. 102C (X)
[] 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)
[] 5. F05 Reactivated after rescrit; relief from judgment/ Order (Mass.R.Civ.P. 60) (X)
[] 6. E10 Summary Process Appeal (X)

CODE NO.

B99

TYPE OF ACTION (specify)

Wrongful Termination

TRACK

(F)

IS THIS A JURY CASE?

(X) Yes

() No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

- A. Documented medical expenses to date:
1. Total hospital expenses \$.....
 2. Total Doctor expenses \$.....
 3. Total chiropractic expenses \$.....
 4. Total physical therapy expenses \$.....
 5. Total other expenses (describe) \$.....
- B. Documented lost wages and compensation to date \$.....
- C. Documented property damages to date \$.....
- D. Reasonably anticipated future medical and hospital expenses \$.....
- E. Reasonably anticipated lost wages \$.....
- F. Other documented items of damages (describe) \$.....
- G. Brief description of plaintiff's injury, including nature and extent of injury (describe) \$.....
- Plaintiff was wrongfully terminated suffering lost wages and compensation.

\$ OVER.....
TOTAL: \$ 50,000..

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$.....

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

Maurice M. Cahillane

DATE: 2/6/04

A J R 0007

A O S C 2003

Attest:

Donna M. Pichel
DEPUTY Assistant Clerk

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO.

04 144

JAMES M. PLASSE,
Plaintiff

Vs.

TYCO ELECTRONICS,
Defendant

HAMPDEN COUNTY
SUPERIOR COURT
FILED
FEB - 6 2004
Marie Shuggo
CLERK-MAGISTRATE

COMPLAINT

1. The plaintiff, James M. Plasse, is a natural person residing at 19 Hillary Lane, Westfield, Hampden County.
2. The defendant, Tyco Electronics, is a Pennsylvania corporation with a principal place of business at 2901 Fulling Mill Road, Middletown, Pennsylvania and transacts business in the Commonwealth.
3. In August of 2000, the plaintiff became employed by Tyco Electronics's Printed Circuit Group as Controller. During his employment, he performed his job appropriately at all times.
4. While employed as Controller, the plaintiff complained to his supervisor, Fotos, about practices used by Tyco Electronics that were deceptive and not in keeping with generally accepted accounting principles. These included double billing on items that had been returned by customers, counting as sales items that had been returned and billing items before they had been shipped. These actions had the effect of inflating company financial reports, which would inevitably have the effect

No. 117715.
Fee Paid - \$ 240.00 Cash - ☒
Surcharge Paid - \$ 15.00 Cash - ☒
Security Fee - Paid - \$ 20.00 Cash - ☒
Received by J. M.

of creating deceptive financial statements distributed to the public.

5. Subsequent to his complaints, the plaintiff was terminated on February 25, 2002 on false grounds that he had improperly disseminated information to employees. These actions were taken against the plaintiff by Fotos and Soder in retaliation for his complaints regarding the company's improper accounting practices.
6. At the time of the plaintiff's termination, Fotos was the Global Controller and Soder was the Executive Vice President of Tyco Electronics's Printed Circuit Group.
7. During the plaintiff's employment, Tyco Electronics maintained and disseminated to employees a policy entitled "Tyco Guide to Ethical Conduct". That policy promised employees that if they reported any inappropriate or unethical conduct within Tyco Electronics, they would be protected from retaliation. The policy also made specific reference to generally accepted accounting principles.

COUNT I

Wrongful Termination - v. Tyco Electronics

8. The plaintiff hereby repeats and realleges each and every allegation contained in Paragraphs 1-9.
9. The plaintiff was terminated in retaliation for his insistence that Tyco Electronics do what the law required in retaliation for his reporting of internal company actions which violated the law and, therefore, in violation of public policy.

Wherefore, the plaintiff prays:

- a. That judgment be entered in his favor.**
- b. That he be awarded all his actual damages.**
- c. That he be awarded interest, costs and attorney's fees.**
- d. That the Court grant such other and further relief as it deems just.**

COUNT II

Promissory Estoppel - v. Tyco Electronics

- 10. The plaintiff hereby repeats and realleges each and every allegation contained in Paragraphs 1-11.**
- 11. By its actions, Tyco Electronics promised employees that it would not retaliate if they reported unethical or illegal conduct within the Company. The plaintiff relied on this promise and was terminated in violation of it.**

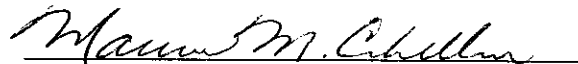
Wherefore, the plaintiff prays:

- a. That judgment be entered in his favor.**
- b. That he be awarded his actual damages for his reliance on the defendant's promise.**
- c. That he be awarded interest, costs and attorney's fees.**
- d. That the Court grant such other and further relief as it deems just.**

PLAINTIFF DEMANDS A TRIAL BY JURY.

**THE PLAINTIFF,
JAMES M. PLASSE
By his attorney:**


Dated: February 6, 2004


**Maurice M. Cahillane, Esq.
Egan, Flanagan and Cohen, P.C.
67 Market Street - P.O. Box 9035
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BBO# 069660**

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A true copy.

Attest:


DEPUTY Assistant Clerk